

Requirement and makes it Final. Claims 15-28 remain pending in the application; however, Claims 26-28 have been withdrawn from consideration as a result of the Restriction Requirement. The Office raises objections to Claims 15-25.

The Office has used the Applicants' elected species to identify a generic concept for the invention and has withdrawn the subject matter outside this generic concept. The Office has determined the claim scope to be limited to a compound of formula (I) wherein R¹ is an optionally substituted 5-membered heteroaryl group; R⁴ and R⁵ are limited to hydrogen, halogen, alkyl, and polyhaloalkyl; and R² and R³ are as claimed.

The Office objects to Claims 15-25 for containing non-elected subject matter and requests that the claims be amended to delete the non-elected subject matter. With the instant Amendment, Claims 15-25 have been amended to reflect the claim scope as defined above. Claim 18 has been cancelled because it is now redundant.

Claim 15 is also objected to for containing redundant description because the definitions given at the end of Claim 15 are also found in the instant specification. The Office suggests deleting the definitions from Claim 15. Claim

15 has been amended to delete the redundant definitions. Reconsideration and withdrawal of the objection are respectfully requested.

Claims 26-28 have been withdrawn from consideration as being drawn to the non-elected method claims. The Applicants note the Office comment at the end of page 3 which states that the withdrawn method claims are entitled to rejoinder upon the identification of a patentable invention directed to the substances. The Applicants respectfully submit that by merely withdrawing the non-elected method claims pending notification of allowable subject matter, the Applicants distinctly and affirmatively point out subject matter which they assert, upon examination will be found a part of the claimed invention. The applicants reassert their right to rejoin the non-elected method claims upon the identification of allowable subject matter.

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Accordingly, entry of the present amendment, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned attorney has made an earnest effort to place this application into condition for immediate allowance. If he can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call him at his below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

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Enclosure: Listing of Claims and Postal Card Receipt

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.